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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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of Minorities
Forty-fifth session
Agenda item 10 (b)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES
QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 August 1993]

HUMAN RIGHTS AND STATE OF EMERGENCY IN THE SYRIAN ARAB REPUBLIC

1. The International Federation of Human Rights (FIDH) and its Syrian affiliate, the Organization of the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), wish, once again, to draw attention to the disastrous consequences for the respect of human rights of the state of emergency which has been in force in the Syrian Arab Republic for more than 30 years. Thirty years lost in the history of what remains of a suffering society.

2. Since the forty-ninth session of the Commission on Human Rights, some 20 prisoners, six of whom had been in prison for more than 22 years, have been released. We are pleased about these releases but we feel that keeping 12 detainees in prison without charge for more than 22 years is unjustifiable (see annex 4).

3. Despite demands from the international human rights community, 15 CDF activists remain in prison, 10 of them having been convicted at the end of an unfair trial by a court of special jurisdiction merely for carrying out human rights activities. The other five have now been brought before the same court (see annex 1). They continue to be accused of terrorism by the Syrian authorities, most recently at the forty-ninth session of the Commission, although it is now internationally known that they have never advocated or used violence.

4. In this respect, it should be recalled that since August 1971 the Syrian Government has systematically accused prisoners of opinion of terrorism without ever bringing the relevant charges in an ordinary court of law, while the court convicting them has had no grounds for its existence since 1973, the date of the ratification of the Constitution by the country's highest executive and legislative bodies.

5. As regards prison conditions, the FIDH and the CDF are in possession of information attesting to practices which are absolutely incompatible with the Standard Minimum Rules for the Treatment of Prisoners, and which resulted in the deaths by torture of Mr. Ahmad Mattar, Mr. Dhuehi, Mr. Barakat and Mr. Rizq Qutaifan in 1993. The FIDH and the CDF are extremely worried about the state of health of the persons named in annex 2.

6. The death of 58 prisoners (4 of them political prisoners) in the Al Hasakah fire during the night of 23/24 March 1993 shows the precariousness of the situation in prisons in the Syrian Arab Republic.

7. Our organizations are concerned by the fresh arrests of women after the wave of releases of prisoners at the end of 1991. Four women - Rosette Issa, Khadija Dib, Fadwa Mahmud and Dhuha Ashour - are currently being arbitrarily detained and have been brought before the State security court.

8. The FIDH and the CDF are worried about the unfair trails of some 500 prisoners of opinion by the State security court. Communists, Baathists, Nasserists, Kurdish nationalists and human rights activists are collectively standing trial before this court, which awaited the end of the World Conference on Human Rights before delivering its first sentences (see annex 3).

9. The FIDH and the CDF call on the Sub-Commission to support their demand for the immediate and unconditional release of nearly 5,000 prisoners of opinion, the elimination of the Courts of Special Jurisdiction and the application of guarantees of the right to a fair trial. They also reiterate their demand that an end be put to the use of torture and that the perpetrators of such acts be punished.

Annex 1

A. CDF ACTIVISTS SENTENCED BY A COURT OF SPECIAL JURSIDCITION ON 17 MARCH 1992 TO 5 TO 10 YEARS' IMPRISONMENT WITH HARD LABOUR AND DEPRIVATION OF CIVIL RIGHTS

Aktham Nouaisseh (9 years)

Afif Mizher (9 years)

Muhammed Ali Habib (9 years)

Nizar Nayouf (10 years)

Bassam al-Shaykh (8 years)

Thabet Murad (5 years)

Jadi' Nawfal (5 years)

Ya'qub Musa (5 years)

Hassan Ali (5 years)

Hussam Salama (5 years)

B. CDF ACTIVISTS CURRENTLY STANDING TRIAL BEFORE THE STATE SECURITY COURT

Ibrahim Habib, arrested on 27 February 1992, Sednaya Prison

Najib Ata Layqa, arrested on 27 February 1992, Sednaya Prison

Jihad Khazem, arrested on 27 February 1992, Sednaya Prison

Salama Kila, arrested on 31 March 1992, Adra Prison

Ahmad Hasso, arrested on 17 March 1992, Adra Prison.

Annex 2

APPLICATION OF THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS: SOME CRITICAL CASES

Adnan al-Qadi

Riad al-Turk

Moustafa Khalifa

Abbas Abbas

Khaled Nasser

Hisham Zouqi

Mahmud Fayyadh

Muhammed Id Ashshawi

Rosette Issa

Issa Muhammed

Nabil Fawwaz

Nizar Mradni

Ghassan Kassis

Ahmad Hassan Mansour

Annex 3

THE FIRST SENTENCES OF THE STATE SECURITY COURT DELIVERED ON 24 JUNE 1993 AND 29 JUNE 1993 IN CASES NOS. 38, 39, 40/92

15 years' imprisonment with hard labour and deprivation of civil rights: Marwan Alali, Faysal Allouch, Malek Rachid As'ad, Adnan Bahloula, Ali Barazi, Muhammed Ayman Daghestani, Muhammed Hassan Dib, Marwan Mahassen, Monzer Melhem, Nizar Nasim Mikhaël, Abdel Halim Roumiya, Ali Sarem.

13 years' imprisonment with hard labour and deprivation of civil rights: Jamili Adanali, Jalal Maso'ud

12 years' imprisonment with hard labour and deprivation of civil rights: Abdelkarim Abdelrahman, Tharif Abdelrazzaq, Fouad al-Samman, Nazir Muhammed Sayfi, Ibrahim Watfa.

10 years' imprisonment with hard labour and deprivation of civil rights: Hassan Abdelkarim Ali, Faysal Dyab, Mahmoud Makhlouf

The 7 others convicted are: Hael al-Ali, Charif Albari, Muhammed Issam al-Dimashqi, Nidal Haddad, Asef Ma'rouf, Ghassan Moubarak, Danial Sa'ad.

Annex 4

PERSONS WHO HAVE BEEN IMPRISONED FOR AT LEAST 22 YEARS WITHOUT TRIAL 1/ OR WHO HAVE SERVED THEIR SENTENCE SINCE 1985 2/

(The date of imprisonment is shown in brackets)

Ahmad Swaidani (1969) 1/

Mustafa Fallah (1970) 2/

Khalil Brayez (1970) 2/

Mahmud Fayyadh (1970) 2/

Jalal el-din Mirhij (1970) 2/

Salah Jadid (1970) 1/

Muhammed Id Ashshawi (1970) 1/

Fawzi Rida (1970) 1/

Abdel Hamid Muqdad (1970) 1/

Dhafi Jouma'ni (1970) 1/

Mustafa Rustum (1970) 1/

Adel Naissa (1972) 1/